

**REMARKS**

Claims 1-11 are pending, of which claims 1-5 are amended. The amendment to claim 1 is supported by FIGs. 1 and 2 and the description on page 8 of the original specification, disclosing that the dimension 15 decreases by approximately 2 to 3 mm towards the distal end 11, while the height of the ribs 16 reach approximately 1 mm at the distal end 11. The amendments to claims 2-4 are made to correct minor informalities and English usage.

The original PCT application defines the axis ratio of the rectangular cross-section of the shaft core as at least 1.4 or 1.5, which would be understood to one of ordinary skill in the art to denote a ratio of 1.4:1 or a ratio of 1.5:1. As a result of a typographical error in the translation of the PCT application, the English translation mistakenly recites the axis ratio being 1:4 and 1:5 (instead of 1.4 and 1.5). The specification and claims have been amended to correct these errors.

Claims 1-5 and 7-11 stand rejected under 35 USC 103(a) on Kuoni (US 5,593,446) in view of Andriacchi (US 4,279,042). This rejection is respectfully traversed.

Claim 1, as amended, recites "a height of the plurality of ribs continuously increases relative to the shaft core surface from a proximal start of the distal portion to the distal end of the shaft, whereas *a height of the plurality of ribs does not increase relative to a longitudinal axis of the shaft* from the proximal start of the distal portion to the distal end of the shaft" (emphasis added). This feature is not taught or suggested by Kuoni or Andriacchi. Specifically, in Kuoni, considering the entire length or any particular section of the ribbed portion, the height of the ribs increases relative to the longitudinal axis of the shaft moving towards the distal end 4 of the shaft. See FIG. 1. This is evident from the description on column 2, lines 27-31 of Kuoni, defining the angle B between the ribs and the surface of the shaft as no more than about 30°, whereas the angle between the longitudinal axis of the shaft and the surface of the shaft is shown as being only a few degrees. Accordingly, Kuoni does not teach or suggest the claimed invention.

In addition, the Office Action indicates that the term “lateral” can be interpreted to mean “situated at or on the side.” Applicants respectfully disagree, as the claims distinguish between a “lateral edge” and a “lateral side” of the rectangular cross-section of the shaft. Nonetheless, to better clarify the claim language, claim 1 has been amended to recite “the plurality of longitudinal ribs including at least two *edge ribs arranged on lateral corners* of the rectangular cross-section of the shaft near the distal end” (emphasis added). This feature clearly defines the claimed edge ribs as being arranged on the corners, not sides, of the rectangular cross-section.

This feature is not taught or suggested by Kuoni or Andriacchi, individually or in combination. Specifically, even if one of ordinary skill in the art were to have combined the teachings of Kuoni and Andriacchi, he or she would place the ribs on the flat sides, rather than the corners, of the rectangle. One of ordinary skill in the art not having studied the disclosure of this application would have expected the corners of the rectangle to fulfill the same purpose as the Kuoni’s ribs and thus would have avoided placing ribs on the corners of the rectangle in order to simplify the manufacturing of the prosthesis.

Claim 1 is therefore allowable. Claims 2-5 and 7-11 depend from claim 1 and are similarly allowable.

Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over Kuoni in view of Andriacchi et al., in further view of Blanquaert (U.S. Patent No. 4,495,664). This rejection is respectfully traversed. Specifically, claim 6 depends from claim 1, and is allowable over the combination of Kuoni and Andriacchi for at least the same reasons. Blanquaert does not overcome the deficiencies of Kuoni and Andriacchi. Thus, claim 6 is allowable.


In view of the above, each of the claims in this application is in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone

conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **246472008200**.

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Respectfully submitted,

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